

February 16, 2000

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Ronald W. Kazmierczak, Regional Director

Remediation and Redevelopment
1125 North Military Avenue
P.O. Box 10448
Green Bay, Wisconsin 54307-0448
Telephone 920-492-5916
FAX 920-492-5859
TTY 920-492-5812

Mr. Wayne Elmer
Elmer's Realty LLP
W10655 Givens Road
New London, WI 54961

SUBJECT: Market Square Shopping Center, 105 South Military Avenue,
Green Bay, Wisconsin
WDNR BRRTS # 03-05-173684

Dear Mr. Elmer:

On October 14, 1997, the Wisconsin Department of Natural Resources provided a notice to you that the degree and extent of the petroleum contamination at the above named site was required to be investigated and remediated. We have since been informed that the required investigation and remediation has been accomplished.

On September 21, 1999, the above named site was reviewed by the Remediation and Redevelopment's Northeast Region Closure Committee for a determination as to whether or not the case qualified for closeout under ch. NR 726, Wis. Adm. Code.

The Department has received a copy of the completed groundwater use restriction for the above referenced site and proof of filing this record with the Brown County Register of Deeds. Based on the investigative and remedial documentation provided to the Department, it appears that the petroleum contamination at the above named site has been remediated to the extent practicable under current site conditions. Therefore, conditional closure of this site has been granted and no further action is necessary at this time. In the future, this groundwater use restriction may be amended with approval from the Department if conditions change at the site and the residual contamination has been remediated.

If you have any additional relevant information concerning this matter which was not formerly provided to the Department, you should submit this information to the Department for reevaluation.

The Department's records will reflect final "closure." If you have any questions regarding this determination, please contact me in Green Bay at (920) 492-5943.

Sincerely,

Kristin Nell
Hydrogeologist
Bureau for Remediation & Redevelopment

cc: Chris Kern; Advent Environmental Services, Inc.
P.O. Box 277, Mequon, WI 53092-0277

DOCUMENT NO.

841731

J 582 I 26

WARRANTY DEED
STATE OF WISCONSIN - FORM 1

THIS SPACE RESERVED FOR RECORDING DATA

REGISTER OF DEEDS
BROWN COUNTY.

SEP - 2 1976

AL 2:00 O'CLOCK P.M.

REGISTER DE DEEDS IS

RETURN TO

KCNBS

300

Tax Parcel # 6-254-A

This indenture, Made this 9th day of August, A. D. 1976, between Niles-Redman Enterprises, Inc., a Michigan corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, located at _____, Wisconsin, party of the first part, and Elmer's Realty, a partnership, parties of the second part.

Witnesseth, That the said party of the first part, for and in consideration of the sum of \$1.00 and other good and valuable consideration to it paid by the said parties of the second part, the receipt whereof is hereby confessed acknowledged, has given, granted, bargained, sold, remised, released, aliened, conveyed and confirmed, and by these presents does give, grant, bargain, sell, remise, alien, convey, and confirm unto the said part ies of the second part their heirs and assigns forever, the following described real estate, situated in the County of BROWN, State of Wisconsin, to-wit:

Part of Private Claim No. 1, West side of Fox River, and described as follows: Beginning at a point in the center line of Shawano Avenue (Wolf River Road) 4084.08 feet East of the Junction of said Center line of Shawano Avenue with the West line of said Private Claim No. 1 (being a point in the East line of property described in Volume 88 of Deeds at page 411 Records of Register of Deeds - Brown County, Wisconsin), thence South 25° and 36' West 40 feet to the point of beginning of this description, being the South line of Shawano Avenue, continuing thence South 25° and 36' West 150 feet, thence North 64° and 13' West 92.25 feet to a point in the East line of Military Avenue, thence North 33° and 11' East

(IF NECESSARY, CONTINUE DESCRIPTION ON REVERSE SIDE)

Together with all and singular the hereditaments and appurtenances therunto belonging or in any wise appertaining; and all the estate, right, title, interest, claim or demand whatsoever, of the said party of the first part, either in law or equity, either in possession or expectancy of, in and to the above bargained premises, and their hereditaments and appurtenances.

To have and to hold the said premises as above described with the hereditaments and appurtenances, unto the said part ies of the second part, and to their heirs and assigns FOREVER.

And the said Niles-Redman Enterprises, Inc., party of the first part, for itself and its successors, does covenant, grant, bargain and agree to and with the said part ies of the second part, their heirs and assigns, that at the time of the enrolling and delivery of these presents it is well seized of the premises here described, as of a good, sure, perfect, absolute and indefeasible estate of inheritance in the law, in fee simple, and that the same are free and clear from all incumbrances whatever.

TRANSFER
\$ 10.00
FEE

and that the above bargained premises in the quiet and peaceable possession of the said part ies of the second part, their heirs, and against all and every person or persons lawfully claiming the whole or any part thereof, it will forever WARRANT and DEFEND.

This conveyance is made pursuant to a vote of a majority of the stock of said corporation, grantor, given at a meeting duly called and held for the purpose of authorizing the same.

In Witness Whereof, the said Niles-Redman Enterprises, Inc., party of the first part, has caused these presents to be signed by Robert G. Redman, its President, and countersigned by M. Christine Niles, its Secretary, at Marquette, Michigan, Wisconsin and its corporate seal to be hereunto affixed, this 9th day of August, A. D. 1976.

SIGNED AND SEALED IN PRESENCE OF

NILES-REDMAN ENTERPRISES, INC.

Robert G. Redman

Corporate Name

President

Robert G. Redman

COUNTERSIGNED:

M. Christine Niles

Secretary

STATE OF WISCONSIN

Marquette County, } ss.

Personally came before me, this 9th day of August, A. D. 1976.

Robert G. Redman

President, and M. Christine NilesA. D. 1976.

Secretary of the above named Corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such President and Secretary of said Corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said Corporation, by its authority.

THIS INSTRUMENT WAS DRAFTED BY
Lawrence C. Sifton
Attorney at Law
Appleton, Wisconsin

James M. Collins Mich.
Notary Public, Marquette County, Wis.
My commission (expires) XXX 4/20/80

(Section 39.11 (1) of the Wisconsin Statutes provides that all instruments to be recorded shall have plainly printed on typewritten thereon the names of the grantor, grantee, witness and notary. Section 39.31 similarly requires that the name of the person who, at given time, signs which, drafted such instrument, shall be printed, typewritten, stamped or written thereon. By law so revised.)

STATE OF WISCONSIN

RECORDED IN BOOK 711 PAGE 20

841731

J 582 I 27

Postage	Date	# of pages
Fax Note	7/16	2
To	J. CHRISTIANSEN	
For	B. T. H. 172	
From	ELMERS	
Phone		

along said East line of Military Avenue 25.22 feet, continuing thence on said East line of Military Avenue North 25° and 36' East 124.95 feet to a junction with the South line of Shawano Avenue, thence South 64° and 13' East along said South line of Shawano Avenue 89.08 feet to the point of beginning, except that part thereof described in Volume 985 of Records, page 70, deeded to the City of Green Bay, in the City of Green Bay, Brown County, Wisconsin.

No

TO

Warranty Deed

This instrument should be immediately filed on file to avoid trouble and litigation.

This space reserved for
Register of Deeds

Return to

CONSIN LEGAL BLANK COMPANY
MILWAUKEE WISCONSIN

1735459

Document Number

GROUNDWATER USE RESTRICTION

BROWN COUNTY
REGISTER OF DEEDS
CATHY WILLIQUETTE

2000 JAN -7 P 12:55

Declaration of Restrictions

In Re:

Part of Private Claim No. 1, West side of Fox River, and described as follows: Beginning at a point in the center line of Shawano Avenue (Wolf River Road) 4084.0 feet East of the Junction of said Center line of Shawano Avenue with the West line of said Private Claim No. 1 (being a point in the East line of property described in Volume 88 of Deeds at page 411 Records of Register of Deeds - Brown County, Wisconsin), thence South 25° and 36' West 40 feet to the point of beginning of this description, being the South line of Shawano Avenue, continuing thence South 25° and 36' West 150 feet, thence North 64° and 13' West 92.25 feet to a point in the East line of Military Avenue, thence North 33° and 11' East along said East line of Military Avenue 25.22 feet, continuing thence on said East line of Military Avenue North 25° and 36' East 124.95 feet to a junction with the South line of Shawano Avenue, thence South 64° and 13' East along said South line of Shawano Avenue 89.08 feet to the point of beginning, except that part therefore described in Volume 985 of Records, page 70, deeded to the City of Green Bay, in the City of Green Bay, Brown County, Wisconsin.

Recording Area

Name and Return Address

Mr. Wayne Elmer
Elmer's Realty LLP
W10655 Givens Road
New London, WI 54961

6-254-A

Parcel Identification Number (PIN)

STATE OF WISCONSIN

)

) ss

COUNTY OF BROWN

)

WHEREAS, Elmer's Realty, a partnership, is the owner of the above-described property.

WHEREAS, one or more petroleum discharges have occurred on this property. On August 5, 1998, Benzene contaminated groundwater above the NR 140 enforcement standard existed on this property at the former location of temporary well MS-5 at a concentration of 120 parts per billion (ppb) which is above the NR 140 enforcement standard of 5 ppb for Benzene. On August 5, 1998, Naphthalene contaminated groundwater above the NR 140 enforcement standard existed on this property at the former location of temporary well MS-5 at a concentration of 310 ppb which is above the NR 140 enforcement standard of 40 ppb for Naphthalene. On August 5, 1998, Total Trimethylbenzene contaminated groundwater above the NR 140 enforcement standard existed on this property at the former location of temporary well MS-5 at a concentration of 2,560 ppb which is above the NR 140 enforcement standard of 480 ppb for Total Trimethylbenzene. On August 5, 1998, Total Xylene contaminated groundwater above the NR 140 enforcement standard existed on this property at the former location of temporary well MS-5 at a concentration of 2,200 ppb which is above the NR 140 enforcement standard of 620 ppb for Total Xylene. The location of temporary well MS-5 is provided on Figure 6 attached and made part of this restriction.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct further groundwater or soil remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater contamination exceeding NR 140 groundwater standards within the boundaries of this property.

CHRE K FDN

WHEREAS, construction of wells where the water quality does not comply with drinking water standards in NR 809 is restricted by NR 811 and NR 812, Wis. Adm. Code. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed on this property unless applicable requirements are met.

If construction is proposed on this property that will require dewatering, or if groundwater is to be otherwise extracted from this property, while this groundwater use restriction is in effect, the groundwater shall be sampled and analyzed for contaminants that were previously detected on the property and any extracted groundwater shall be managed in compliance with applicable statutes and rules.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

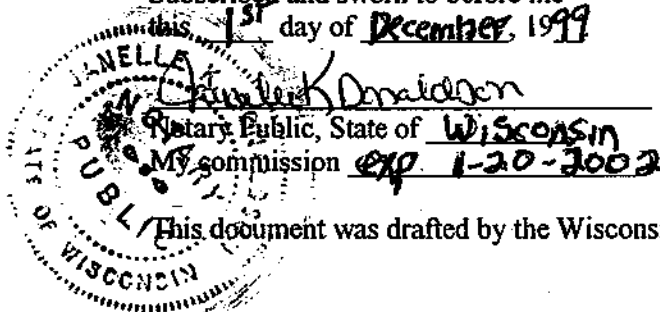
Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, attached to a copy of the Department's written determination, may be recorded to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

By signing this document, Wayne L. Elmer asserts that he/she is duly authorized to sign this document on behalf of Elmer's Realty, a partnership.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 1st day of December, 1999.

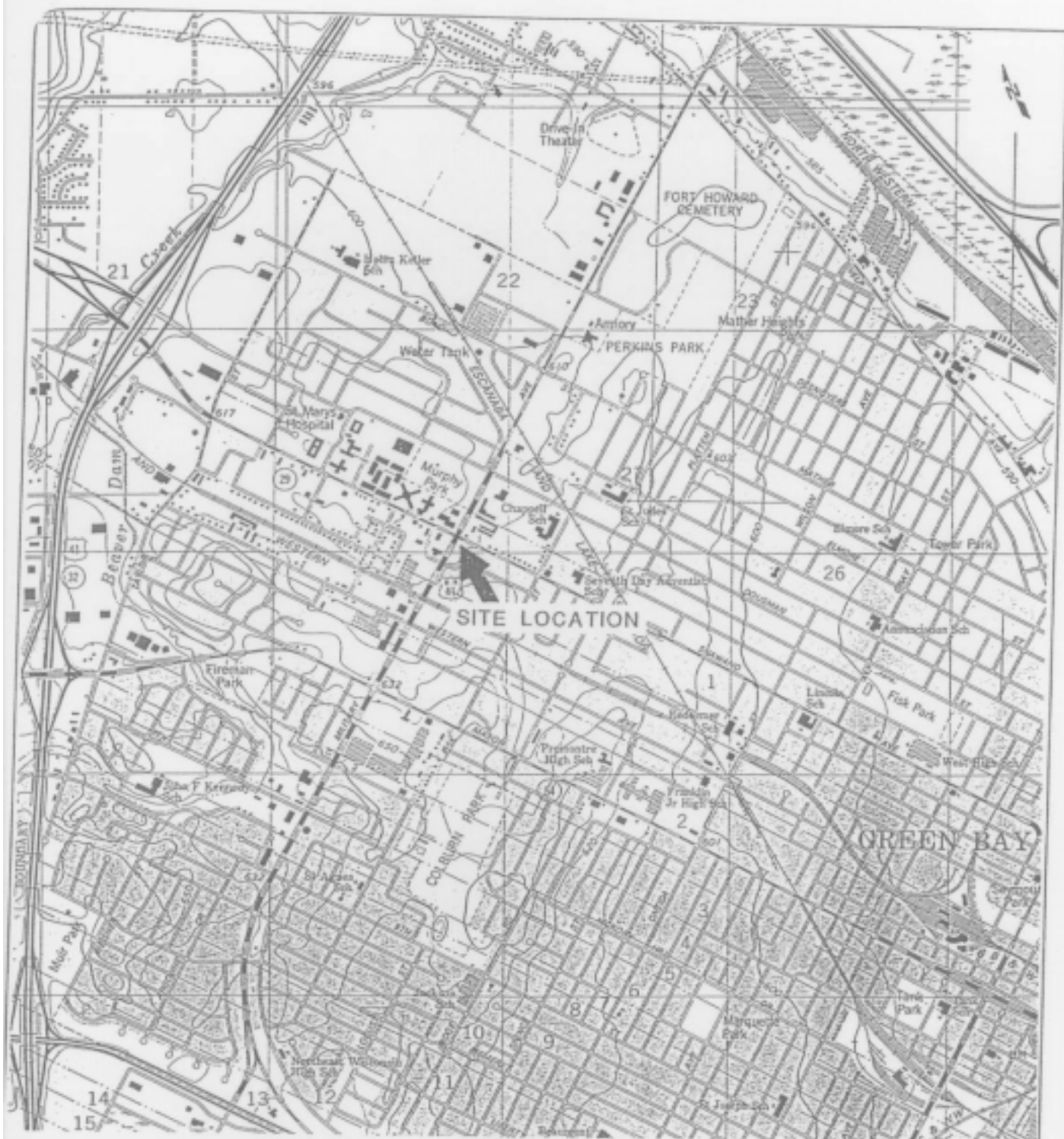
Signature: Wayne L. Elmer
Printed Name: WAYNE L. ELMER
Title: PARTNER

Subscribed and sworn to before me
this 1st day of December, 1999



JANELLE K DONALDSON
Notary Public-State of Wisconsin
My Commission Expires January 20, 2002

This document was drafted by the Wisconsin Department of Natural Resources.




 WISCONSIN
 QUADRANGLE LOCATION
 W/2 PRIVATE CLAIM #1W T.24N., R.20E.

SCALE (FEET): 0  2000

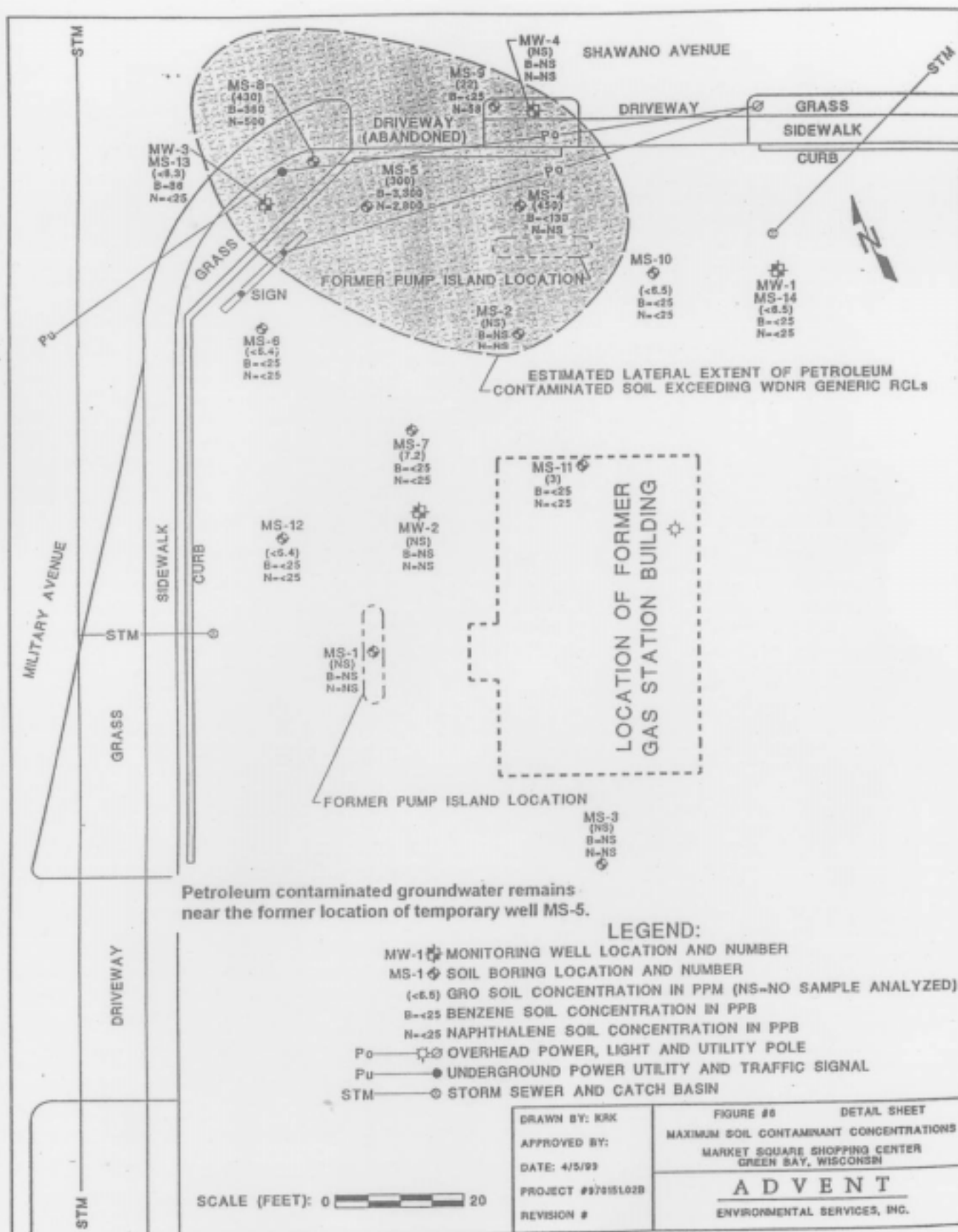
NOTE:
 BASE MAP DEVELOPED FROM THE GREEN BAY-WEST, WISCONSIN
 7.5 MINUTE U.S.G.S. TOPOGRAPHIC QUADRANGLE MAP.

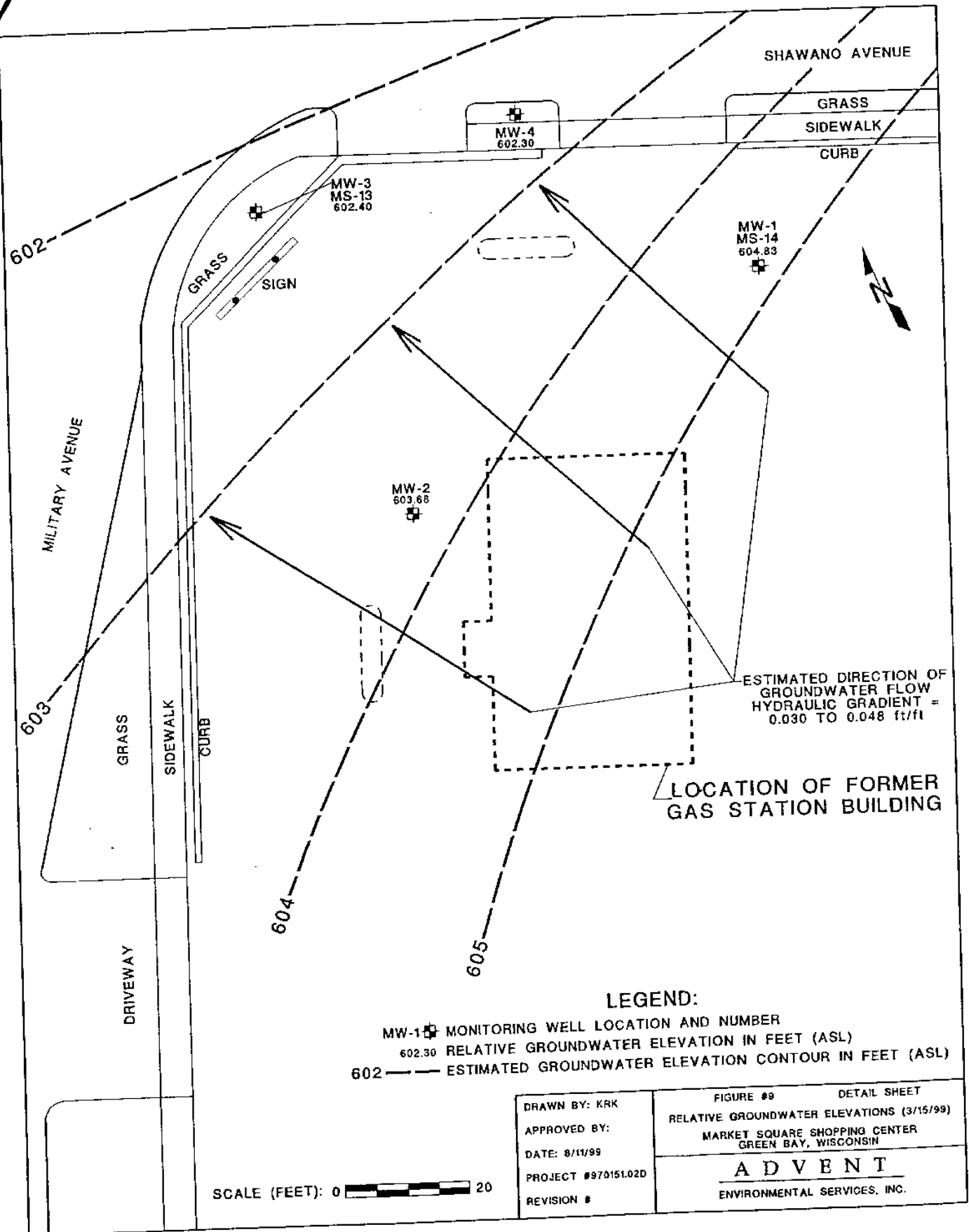
DRAWN BY: KRK
 APPROVED BY:
 DATE: 7/8/98
 PROJECT #970151.02
 REVISION #

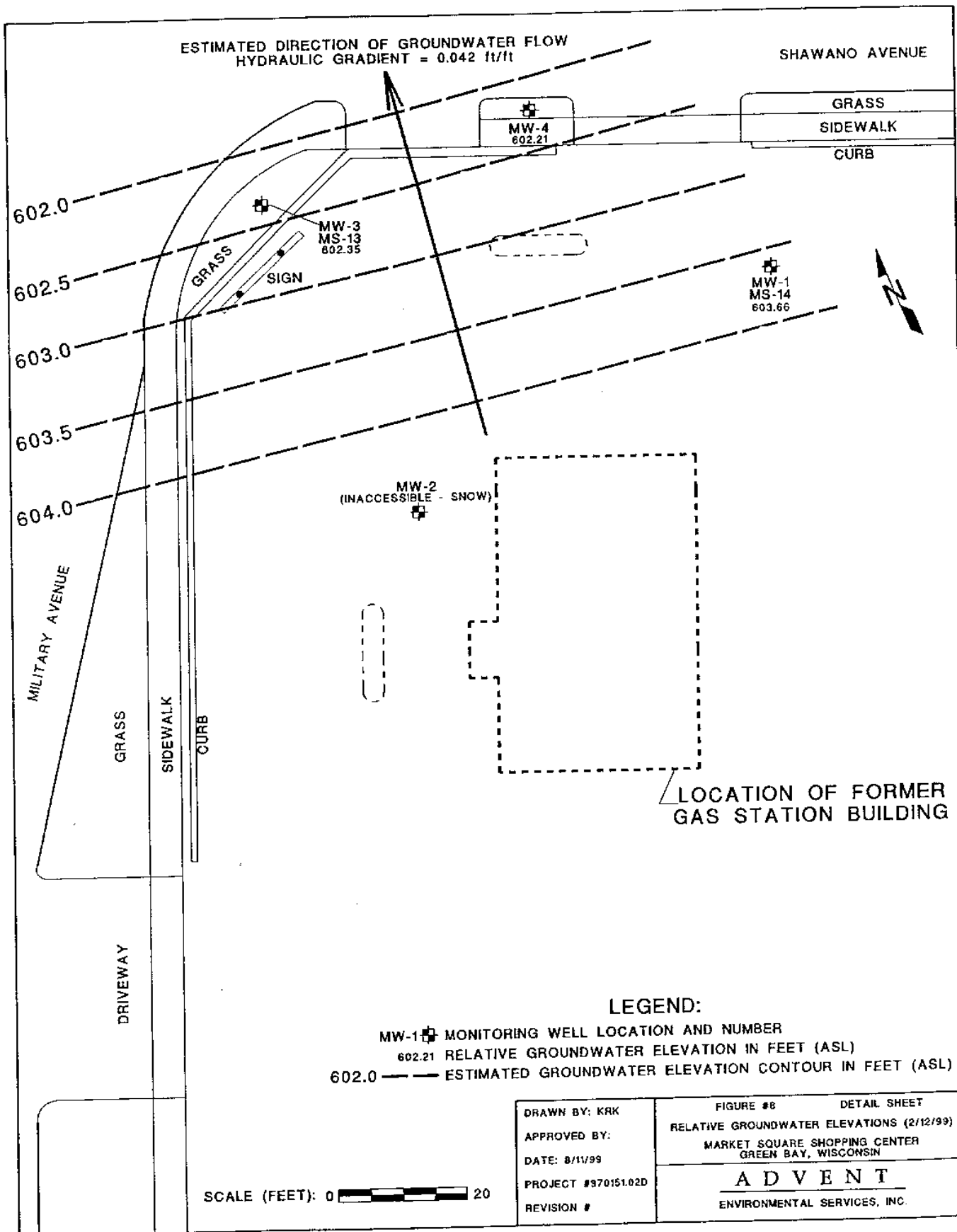
FIGURE #1 DETAIL SHEET
 SITE LOCATION
 MARKET SQUARE SHOPPING CENTER
 GREEN BAY, WISCONSIN

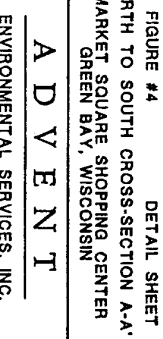
A D V E N T
 ENVIRONMENTAL SERVICES, INC.

1735459

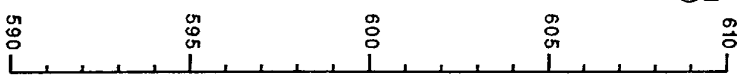








RELATIVE
ELEVATION
FEET (ASL)



B-WEST

MW-3
MS-13

MS-8

MS-5

MS-4

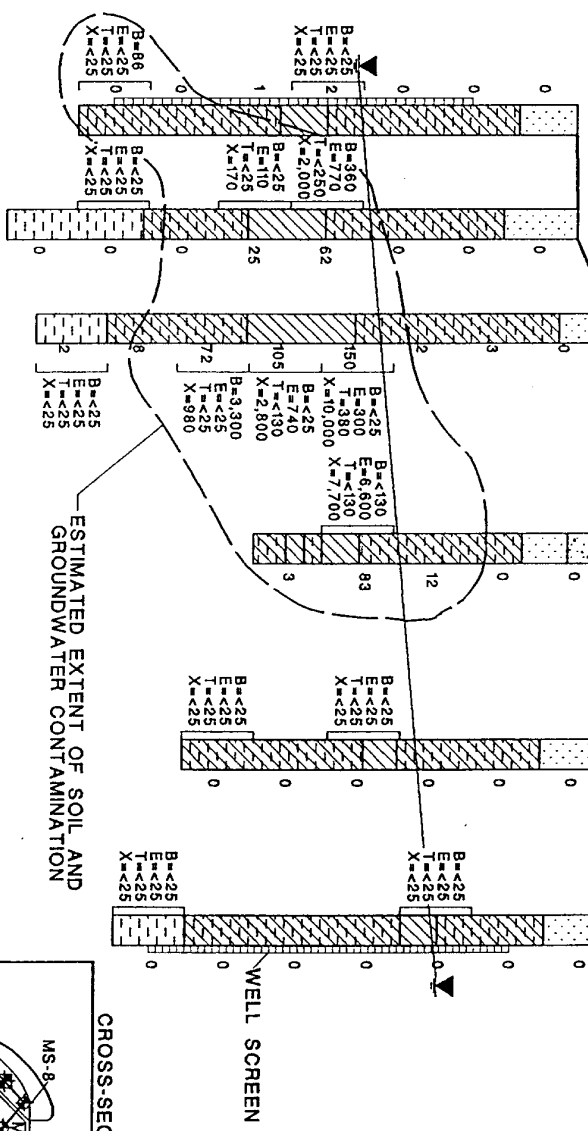
MS-10

MS-14

B-EAST

MW-1
MS-14

GROUND SURFACE



LEGEND:

- ASPHALT
- SAND AND GRAVEL
- SAND
- SILT
- SILTY CLAY TO CLAYEY SILT
- CLAY

0 PID RESPONSE IN INSTRUMENT UNITS

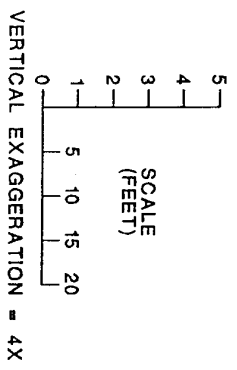
B<25 BENZENE SOIL CONCENTRATION IN PPB

E<25 ETHYLBENZENE SOIL CONCENTRATION IN PPB

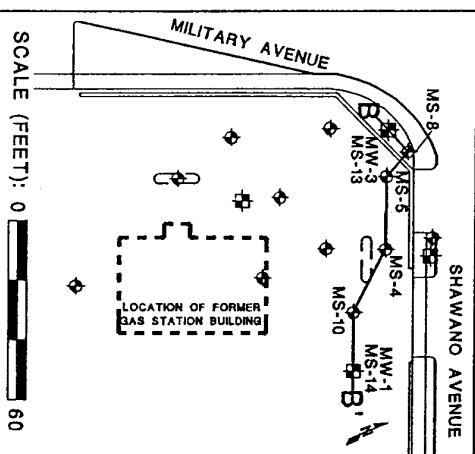
T<25 TOLUENE SOIL CONCENTRATION IN PPB

X<25 TOTAL XYLENES SOIL CONCENTRATION IN PPB

▲ STATIC GROUNDWATER ELEVATION IN FEET (3/15/99)



CROSS-SECTION LOCATION MAP



DRAWN BY: KRK	FIGURE #5	DETAIL SHEET
APPROVED BY:	WEST TO EAST CROSS-SECTION B-B'	
DATE: 8/10/99	MARKET SQUARE SHOPPING CENTER	
PROJECT #97016102F	GREEN BAY, WISCONSIN	
REVISION #	A D V E N T	
	ENVIRONMENTAL SERVICES, INC.	

TABLE 3
ANALYTICAL RESULTS - GROUNDWATER
MARKET SQUARE SHOPPING CENTER

	NR 140 Remedial Action Limits		Samples												TRIP BLANK	FIELD BLANK	TRIP BLANK	FIELD BLANK
	ES	PAL	MS-5W ^{1,2}	MW-1A	MW-1B	MW-2A	MW-2B	MW-3A	MW-3 DUP	MW-3B	MW-4A	MW-4B	TRIP BLANK	FIELD BLANK				
Well			MS-5	MW-1	MW-1B	MW-2A	MW-2B	MW-3A	MW-3 DUP	MW-3B	MW-4A	MW-4B						
Depth (feet)			5.6	3-13	3-13	3-13	3-13	3-13	3-13	3-13	3-13	3-13						
Date Sampled			8/5/98	12/17/98	3/16/99	12/17/98	3/16/99	12/17/98	3/16/99	3/16/99	12/17/98	3/16/99						
PID (ppm)																		
ANALYTE																		
GROs (ppb)				<50	<50	<50	<50	130		150	<50	<50						
Total Lead (ug/L)	15	1.5		<1.5	<1.5	1.5	<1.5	<1.5		<1.5	2	3.6						
SO ₄ (mg/L)				120	120	360	410	180		190	120	170						
NO ₃ (mg/L)				<0.05	<0.05	1.4	1.3	<0.05		9.3	0.36	<0.05						
Manganese (mg/L)				0.23	<0.2	0.088	<0.2	0.46		0.43	0.081	0.65						
Soluble Fe (mg/L)				<0.05	<0.05	<0.05	<0.05	<0.05		0.5	<0.05	0.054						
Dissolved Oxygen (mg/L)				4.9	1.02	5.58	3.36	3.94		0.78	3.25	1.02						
VOCs (ppb) ¹																		
Benzene	5	0.5	120	<0.5	<0.5	<0.5	<0.5	0.51	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5
n-butylbenzene			420	<0.5	<0.5	<0.5	<0.5	2.8	2.9	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5
sec-butylbenzene			95	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5
1,2-Dichloroethane	5	0.5	<13	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5
Ethylbenzene	700	140	640	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5
Isopropylbenzene			78	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5
p-Isopropyltoluene			22	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5
Methylene chloride			<13	0.70 ³	2.2 ³	0.67 ³	2.6 ³	0.53 ³	2.1 ³	2.0 ³	2.5 ³	3.0 ³	3.1 ³	3.3 ³	3.8 ³	2.9 ³		
Methyl-tert-butyl-ether	60	12	<5	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2	<0.2
Naphthalene	40	8	310	<2.0	<2.0	<2.0	<2.0	<2.0	<2.0	<2.0	<2.0	<2.0	<2.0	<2.0	<2.0	<2.0	<2.0	<2.0
n-propylbenzene			250	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5
Toluene	343	68.6	20	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5
1,2,4-Trimethylbenzene	480	96	1,900	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0
1,3,5-Trimethylbenzene			660 ³	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0
Total Xylenes	620	124	12,200	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5
Total VOCs			6,715	0	0	0	0	3.31	3.41	0	0	0	0	0	0	0	0	0

Shaded areas indicate concentrations above the PAL.

Bold type indicates concentrations exceeding the ES.

— = not analyzed

¹ Only VOCs detected are listed. For a complete list of the compounds analyzed and laboratory detection limits, see Appendix E.

² Laboratory detection limits were increased due to presence of petroleum contaminants.

³ Laboratory artifact